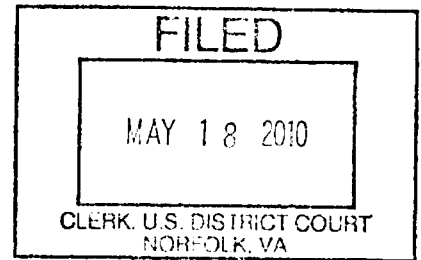


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



TYREE M. NEAL, SR., #05534-025

Petitioner,

v.

CIVIL ACTION NO. 2:09cv406

WARDEN OF FCC-PETERSBURG  
PETERSBURG, VIRGINIA,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. In the petition, Petitioner challenges the results of a disciplinary hearing, which was held at the Federal Correctional Institution in Petersburg, Virginia.


The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the Magistrate Judge was filed on April 22, 2010, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby ADOPT AND APPROVE the findings and

recommendations set forth in the report of the United States Magistrate Judge filed on April 22, 2010, and it is, therefore, ORDERED that the petition be DENIED AND DISMISSED WITH PREJUDICE as the Court has determined that Petitioner's claims are not exhausted and do not state a constitutional claim for which relief may be granted.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall mail a copy of this order to the petitioner and to counsel of record for respondent.

/s/   
Jerome B. Friedman  
United States District Judge  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May **18**, 2010